

ENTERED

September 27, 2017

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

CHAU D HO-HUYNH TU NGUYEN,

Plaintiff,
VS.

BANK OF AMERICA, NA,

Defendant.

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CIVIL ACTION NO. 3:17-CV-199

ORDER OF TRANSFER

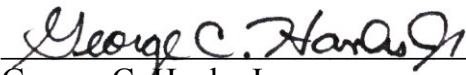
This is the latest in a series of lawsuits Plaintiffs have filed against Bank of America to prevent foreclosure. This lawsuit was filed on June 22, 2017, along with Plaintiffs' Motion for a Temporary Restraining Order. This Court denied that motion, and Plaintiffs attempted an interlocutory appeal. Having failed to even pay the filing fee, the Plaintiffs' appeal was dismissed and the case has now resumed in this Court.

The live pleading in this case, Plaintiffs' First Amended Complaint, asserts that Plaintiffs are owners of real property within Galveston County, Texas, and that Bank of America was the original lender on the mortgage for that home. It appears that Bank of America has sought for several years to foreclose, and Plaintiffs have stalled the Bank by filing a string of lawsuits in state and federal court. Now, Plaintiffs allege in this Court that any sale of the property is barred by the statute of limitations, and they have also filed a suit to remove cloud or quiet title under Texas law, and request a declaratory judgment and injunctive relief in their favor.

The Court takes judicial notice of previous cases that have been filed in the Southern District of Texas by Plaintiffs, in both the Galveston and the Houston Divisions, as well as the orders entered in those cases by colleagues of this Court. *See, e.g.*, 4:12-cv-00331 *Nguyen v. Bank of America, N.A.* (dismissal with prejudice by J. Harmon); 4:12-cv-01481 *Nguyen v. Bank of America, N.A.* (granting summary judgment, dismissing claims with prejudice on grounds of *res judicata* by J. Rosenthal); 4:12-cv-03158 *Nguyen v. Bank of America N.A.* (entering judgment in favor of Bank, and admonishing that further litigation on the issue “may be met with severe monetary sanctions, as further litigation would be wholly frivolous.”), affirmed by the Fifth Circuit in *Nguyen v. Bank of America*, 539 Fed. App’x 325 (5th Cir. 2013) (affirming dismissal and also stating, “Nguyen is WARNED that further frivolous litigation will result in the imposition of monetary sanctions.”).

After considering this history, and in light of Judge Hoyt’s order in Cause Number 4:12-cv-03158, the Court finds it appropriate, in the interests of justice and conservation of judicial and party resources, to *sua sponte* **ORDER** that this case be transferred to **United States District Judge Kenneth Hoyt of the Southern District of Texas, Houston Division.**

SIGNED at Galveston, Texas, this 27th day of September, 2017.


George C. Hanks Jr.
United States District Judge